

REMARKS

To move prosecution forward, applicants have amended the claims rather than pursuing the appeal earlier noticed.

Applicants respectfully submit that the claims are directed to patentable subject matter as set forth below.

The outstanding rejections are as follows:

- (1) Claims 1-4, 11-12, 23-30, 37-40 and 47-52 under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,849,681 (Neumiller '681);
- (2) Claims 1-8, 15-18, 23-26, 37-44 and 47-56 under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,540,864 (Michael);
- (3) Claims 1-4, 11-12, 23-30 and 59-64 under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,798,324 (Svoboda);
- (4) Claims 1-4, 11-12, 23-26, 49-52, 59-60 and 62-63 under 35 U.S.C. §102(b) as anticipated by EP 0 527 625 (Cummings);
- (5) Claims 5-8, 15-18, 31-34, 41-44 and 53-56 under 35 U.S.C. §103(a) as unpatentable over Neumiller '681 as applied to the above claims;
- (6) Claims 9-10, 13-14, 19-22, 35-36, 45-46 and 57-58 under 35 U.S.C. §103(a) as unpatentable over

Neumiller '681 as applied to the above claims, and further in view of U.S. Patent No. 5,716,921 (Neumiller '921);

- (7) Claims 11-12 and 27-36 under 35 U.S.C. §103(a) as unpatentable over Michael as applied to the above claims;
- (8) Claims 9-10, 13-14, 19-22, 45-46 and 57-58 under 35 U.S.C. §103(a) as unpatentable over Michael as applied to the above claims, and further in view of Neumiller '921; and
- (9) Claims 59-65 under 35 U.S.C. §103(a) as unpatentable over Neumiller '681 or Michael as applied to the above claims, and further in view of Svoboda.

Claims 1, 2 and 62 are the only pending independent claims. Applicants claim hard surface cleaning compositions including a particular combination of components wherein the compositions have less than about 4% by weight volatile organic compound (VOC) content. New dependent claims 66-71 have been added to further define the VOC content as 3% by wt. or less and about 1% by wt. or less. The compositions include at least one low-volatile non-VOC evaporative organic solvent that has limited solubility in water of less than 20% and reduces surface tension of the composition to less than 40 dynes/cm. The

claimed cleaning composition also includes at least one amphoteric surfactant and at least one aliphatic alcohol. The claimed cleaning compositions provide acceptable cleaning without streaking or hazing in the absence of a high amount of volatile compounds, in particular alcohols (page 2, paragraph 005). The applied art does not recognize the problem addressed by applicants or the claimed combination of components in a cleaning composition having a VOC content of less than 4% by weight, much less teach such combinations with a VOC content of 3% by weight or less or about 1% by weight or less. When considered as a whole, the teachings of the applied references do not teach or suggest the claimed compositions.

As to the rejection of claims 1-4, 11-12, 23-30, 37-40 and 47-52 under 35 U.S.C. §102(b) as anticipated by Neumiller '681, Neumiller '681 describes a glass or hard surface cleaner disclosed as including, among other things, a combination of a surfactant and solvent where the solvent can be selected from varying compounds set forth therein. Neumiller '681 does not teach the inclusion of an amphoteric surfactant as claimed by applicants. Further, Neumiller '681 does not recognize the problem addressed by applicants. Neumiller '681 does not set out or provide any teaching as to criticality of VOC content of the cleaning composition disclosed, much less disclose that the composition must have

a VOC content of less than 4% by wt., or in particular, 3% by wt. or less or about 1% by wt. or less, and that the composition with such a VOC content be in combination with the defined solvent claimed, i.e., a low-volatile non-VOC evaporative solvent having limited solubility in water of less than 20% and which reduces the surface tension of the composition to less than 40 dynes/cm. Neumiller '681 provides no distinction between the solvents based on volatility, water solubility or surface tension reduction capacity. The claimed VOC content and solvent combination is not necessarily present and is at most a mere probability or possibility.

The Examiner in the Advisory Action mailed April 11, 2007 specifically refers to Example 3 in Neumiller '681, which includes 3.5% isopropyl alcohol, for meeting the limitation of less than 4% by weight VOC content. This, however, is one isolated element not recognized as critical in Neumiller '681 and does not address the other shortcomings of Neumiller '681, in particular the inclusion of an amphoteric surfactant.

Accordingly, applicants submit that anticipation under §102 is not present with regard to claims 1-4, 11-12, 23-30, 37-40 and 47-52 based on Neumiller '681. Withdrawal of the §102 rejection based on Neumiller '681 is requested.

As to the rejection of claims 1-8, 15-18, 23-26, 37-44 and 47-56 under 35 U.S.C. §102(b) as anticipated by Michael, Michael does not teach the defined combination of solvents as claimed, i.e., a low volatile non-VOC evaporative organic solvent that has limited solubility in water of less than 20% and reduces surface tension of the composition to less than 40 dynes/cm and at least one aliphatic alcohol. Further, Michael does not teach the claimed VOC content for a cleaning composition. Accordingly, Michael does not teach each and every element of the invention as claimed. Applicants submit that anticipation within the meaning of 35 U.S.C. §102 is not present with regard to claims 1-8, 15-18, 23-26, 37-44 and 47-56 based on Michael. Withdrawal of this §102 rejection is requested.

As to the rejection of claims 1-4, 11-12, 23-30 and 59-64 under 35 U.S.C. §102(b) as anticipated by Svoboda, Svoboda does not teach applicants' claimed cleaning composition containing an amphoteric surfactant and the defined solvents claimed, i.e., an aliphatic alcohol and a low volatile non-VOC evaporative organic solvent having limited solubility in water of less than 20% and reduces surface tension of the composition to less than 40 dynes/cm. Svoboda also does not teach the claimed VOC content.

Accordingly, Svoboda does not teach each and every element of the invention as claimed and, thus, anticipation under §102 is not present with regard to claims 1-4, 11-12, 23-30 and 59-64 based on Svoboda. Withdrawal of this §102 rejection is requested.

As to the rejection of claims 1-4, 11-12, 23-26, 49-52, 59-60 and 62-63 under 35 U.S.C. §102(b) as being anticipated by Cummings, Cummings does not teach a cleaning composition including an amphoteric surfactant or the claimed VOC content in combination with the defined solvent claimed, i.e., a low-volatile non-VOC evaporative organic solvent that has limited solubility in water of less than 20% and reduces surface tension of the composition to less than 40 dynes/cm. Accordingly, Cummings does not teach each and every element of the invention as claimed, and, thus, anticipation under §102 is not present with regard to claims 1-4, 11-12, 23-26, 49-52, 59-60 and 62-63 based on Cummings. Withdrawal of this §102 rejection is requested.

Dependent claims 5-8, 15-18, 31-34, 41-44 and 53-56 are rejected under 35 U.S.C. §103(a) over Neumiller '681. Applicants reassert the grounds of distinction as set forth above as to Neumiller '681 with regard to independent claims 1 and 2. Claims 5-8, 15-18, 31-34, 41-44 and 53-56 are dependent on claim 1 or claim 2. Neumiller '681 does not

suggest any motivation to modify the teachings thereof in order to provide the compositions as claimed.

Neumiller '681, does not recognize the problem addressed by applicants' claimed compositions, much less teach or suggest the particular combination of components, in particular the amphoteric surfactant and the low-volatile non-VOC evaporative organic solvent with defined water solubility and surface tension reduction capacity in a composition with a VOC content of less than 4% by weight. There is no motivation to modify Neumiller '681 in disregard of the teaching as a whole to provide the compositions as claimed. Accordingly, the claims as rejected under 35 U.S.C. §103 over Neumiller '681 are not rendered obvious within the meaning of §103 and withdrawal thereof is requested.

Dependent claims 9-10, 13-14, 19-22, 35-36, 45-46, and 57-58 are rejected under 35 U.S.C. §103(a) over Neumiller '681 and further in view of Neumiller '921.

Applicants reassert the grounds of distinctions as set forth above as to Neumiller '681 with regard to independent claims 1 and 2. Claims 9-10, 13-14, 19-22, 35-36, 45-46 and 57-58 are dependent on claim 1 or claim 2. Neumiller '921 does not make up for each of the shortcomings of Neumiller '681 and does not teach or suggest any motivation to modify the teachings thereof in order to

provide the compositions as claimed. Neumiller '921 is relied on for suggesting an additional dependent claim limitation regarding the amphoteric surfactant disodium cocoamphodipropionate.

Neither Neumiller '681 nor Neumiller '921 recognize the problem addressed by applicants' claimed compositions, much less teach or suggest the combination of components, in particular the low-volatile non-VOC solvent with defined water solubility and surface tension reduction capacity together with an amphoteric surfactant and aliphatic alcohol in a composition with a VOC content of less than 4% by weight, or more particularly a VOC content of 3% by wt. or less, or about 1% by wt. or less.

Accordingly, the claims as rejected under 35 U.S.C. §103 over Neumiller '681 and Neumiller '921 are not rendered obvious within the meaning of §103. Withdrawal of the §103 rejection is requested.

Dependent claims 11-12 and 27-36 are rejected under 35 U.S.C. §103(a) over Michael. Applicants reassert the grounds of distinction as set forth above as to Michael with regard to independent claim 1 and claim 2. Claims 11-12 and 27-36 are dependent on claim 1 or claim 2. Michael does not suggest any motivation to modify the teachings thereof in order to provide the compositions as claimed.

More particularly, there is no suggestion to select only certain isolated parts from the myriad of components and amounts disclosed in Michael in view of the lack of recognition of the problem and lack of recognition of the combination of solvents as claimed, i.e., at least one aliphatic alcohol and the low volatile non-VOC evaporative organic solvent with defined solubility and surface tension reduction capacity, in a composition with a VOC content of less than 4% by weight. In view of not appreciating the problem, there is no basis provided by Michael to motivate one skilled in the art to select workable components in workable amounts as opposed to selecting nonworkable components or non-workable amounts and provide a combination as claimed.

Accordingly, the claims as rejected under 35 U.S.C. §103 over Michael are not rendered obvious within the meaning of §103. Withdrawal of this §103 rejection is requested.

Dependent claims 9-10, 13-14, 19-22, 45-46 and 57-58 are rejected under 35 U.S.C. §103(a) over Michael and further in view of Neumiller '921. Applicants reassert the grounds of distinction as set forth above as to Michael with regard to independent claim 1 and claim 2. Claims 9-10, 13-14, 19-22, 45-46 and 57-58 are dependent on claim 1 or

claim 2. Neumiller '921 is relied on for teaching an additional dependent claim limitation regarding the amphoteric surfactant disodium cocoamphodipropionate. Neumiller '921 does not make up for the shortcomings of Michael.

There is no motivation to select only isolated parts from the various of components and amounts disclosed in Michael in view of the lack of recognition of the problem addressed by applicants' compositions and lack of teaching or suggestion as to the claimed combination of solvents of at least one aliphatic alcohol and low volatile non-VOC evaporative solvent with defined solubility and surface tension reduction capacity, in a composition with a VOC content of less than 4% by weight. In view of not appreciating the problem, there is no basis provided by Michael or Neumiller '921 to motivate one skilled in the art to select workable components in workable amounts as opposed to selecting nonworkable components or nonworkable amounts and provide a combination as claimed. In making a determination of obviousness, it is essential to consider the problem facing the inventor, which none of the applied references did.

Accordingly, the claims as rejected under 35 U.S.C. §103 over Michael and Neumiller '921 are not rendered

obvious within the meaning of §103. Withdrawal of this §103 rejection is requested.

Claims 59-65 are rejected under 35 U.S.C. §103(a) over Neumiller '681 or Michael and further in view of Svoboda.

Applicants reassert the grounds of distinction as set forth above as to each of Neumiller '681, Michael and Svoboda with regard to independent claim 1 and claim 62. Claims 59-61 are dependent on claim 1 and claims 63-65 are dependent on claim 62. Neither Neumiller '681, Michael nor Svoboda suggest any motivation to modify the teachings thereof in order to provide the compositions as claimed.

There is no motivation to select only isolated parts from the myriad of components and amounts disclosed in the three applied references in view of the lack of recognition of the problem and lack of teaching as to the combination of a low-volatile non-VOC evaporative organic solvent and aliphatic alcohol as claimed in combination with an amphoteric surfactant in a composition with a VOC content of less than 4% by weight. In view of not appreciating the problem or desirability of such a combination, there is no basis provided by the applied references to motivate one skilled in the art to select workable components in workable amounts as opposed to selecting non-workable components or non-workable amounts.

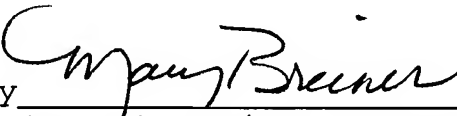
None of Neumiller '681, Michael, or Svoboda recognize the problem addressed by applicants' claimed compositions, much less teach or suggest the particular combination of components and amounts in a composition with a VOC content of less than 4% by weight. It is not possible to extrapolate from the teachings of the Neumiller '681, Michael and/or Svoboda the compositions as claimed since each reference is suffering from the same deficiency.

Accordingly, the claims as rejected under 35 U.S.C. §103 over Neumiller '681 or Michael in view of Svoboda are not rendered obvious within the meaning of §103. Withdrawal of this §103 rejection is requested.

Reconsideration and allowance of the claims are respectfully urged.

Respectfully submitted,

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